IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6889 OF 2005
IN
CRI.APPEAL NO. 982 OF 2005

1. Ashok Shripat Chavan
2. Smt.Usha Shripat Chavan ..Applicants

Vs.

State of Maharashtra ..Respondents

...

Mr.M.K.Kocharekar Advocate for Applicants
Mr.V.B.Konde-Deshmukh, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 24, 2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking bail. The applicants have been convicted under Section 448 and 323 r.w. 34 of IPC. It is stated that the maximum sentence imposed on the applicants is one year. It is further stated that the applicants were on bail during the trial and they have not

misused the liberty granted to them. This statement is not controverted on behalf of the prosecution. It is further stated that the appeal preferred by the applicants is not likely to be heard within a period of one year, hence, it is prayed that the applicants be released on bail.

3. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat** reported in **(1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously. In view of all the facts and circumstances, I am inclined to grant bail.

4. Each of the applicants i.e. applicant no.1-Ashok Shripat Chavan and applicant no.2-Smt.Usha Shripat Chavan to be released on bail in the sum of Rs.15,000/- each with one or two sureties to make up that amount.

5. Application is disposed of.

[V.K.TAHILRAMANI,J.]